

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8830 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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GEEKWAR MILLS LTD. & ANR.

Versus

UNION OF INDIA & ORS.

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Appearance:

Mr. D.G. Shukla for Petitioners

MR JD AJMERA for Respondent Nos. 1,2 & 3

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 23/10/97

ORAL JUDGEMENT

The petitioners challenge by way of this special civil application the notice dated 19.4.1994, Annexure A. This notice is only for the recovery of the amount which has been determined by the respondents under Section 7A of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952 ('the Act' for short). The petitioners have come up with the case that the order passed under Section 7A of the aforesaid Act has not been communicated to the

petitioner by sending a copy of the same and straightway a recovery notice has been issued. However, in view of the fact that Annexure A is only a consequential order passed under Section 7A of the Act this petition is not maintainable against this notice without challenging the main order. Now the Appellate Tribunal has been constituted and appeal against the said order under Section 7A of the Act is provided. That order has not been challenged by the petitioners. Even if there is any grievance of the petitioners against Annexure A that cannot be challenged without challenging the basic order and this petition against the recovery notice only is otherwise also not maintainable.

In the result, this writ petition is dismissed. Liberty is granted to the petitioners to file, if they so desire, an appeal against the order passed by the respondents under Section 7A of the Act within a period of one month from today. In case the petitioners prefer appeal as aforesaid then it is expected of the Tribunal that the same may not be dismissed only on the ground of limitation and it may be heard and decided on merits. The interim relief, if any granted by this Court, shall continue on the same terms and conditions for six weeks from today. Thereafter it is for the Tribunal to consider the question of extension or continuation of interim relief in accordance with law and in doing so it shall not be influenced by the fact that this Court has granted interim relief in favour of the petitioners. Subject to the above direction, rule is discharged with no order as to costs.